

Woodson
Signature of Sponsor

AMEND Senate Bill No. 2167

House Bill No. 2137*

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-13-102, is amended by deleting subsections (c), (d) and (e).

SECTION 2. Tennessee Code Annotated, Section 49-13-104(3), is amended by deleting the punctuation ";" at the end of the subdivision and by substituting instead the punctuation "." and by adding the following language at the end of the subdivision:

The membership of a charter school's governing body shall include at least one
(1) parent representative whose child is currently enrolled in the charter school.
Such parent representative shall be appointed by the governing body within six
(6) months of the school's opening date;

SECTION 3. Tennessee Code Annotated, Section 49-13-104(7), is amended by deleting the language "private school" and by substituting instead the language "private K-12 school".

SECTION 4. Tennessee Code Annotated, Section 49-13-105(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b)

(1) Except where waivers are otherwise prohibited, a public charter school is exempt from all statutes, rules, and regulations applicable to a school, a board, or a district, although it may elect to comply with one (1) or more provisions of statutes, rules, and regulations. No public charter school shall be exempted from regulatory or statutory requirements related to:

(A) Federal and state civil rights;

(B) Federal, state and local health and safety;

- (C) Federal and state public records;
- (D) Immunizations;
- (E) Possession of weapons on school grounds;
- (F) Background checks and fingerprinting of personnel;
- (G) Federal and state special education services;
- (H) Student due process;
- (I) Parental rights;
- (J) Federal and state student assessment and accountability;
- (K) Open meetings; and
- (L) At least the same equivalent time of instruction as required in regular public schools.

(2) No public charter school shall be exempted from compliance with the provisions and requirements set forth in this act.

SECTION 5. Tennessee Code Annotated, Section 49-13-106(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) Public charter schools may be formed to provide quality educational options for students. At least seventy-five percent (75%) of the prospective student population will be:

- (1) Students who are assigned to or were previously enrolled in a charter school or a high priority school, as defined by the state's accountability system;
- (2) Students who, in the previous school year, failed to test proficient in any subject on any of the state mandated tests;
- (3) Students who are eligible for special education services, per federal guidelines; or
- (4) Students who are eligible for ELL or ESL services, per state guidelines.

SECTION 6. Tennessee Code Annotated, Section 49-13-106(b)(1)(A), is amended by deleting the language “November 15” and by substituting instead the language “July 1” and by deleting the language “local board of education” and by substituting instead the language “chartering authority”.

SECTION 7. Tennessee Code Annotated, Section 49-13-106(b)(1)(C), is amended by deleting the subdivision in its entirety.

SECTION 8. Tennessee Code Annotated, Section 49-13-106(b)(2)(A), is amended by adding the following sentence at the end of the subdivision:

Nothing in this section shall prevent a private, non-profit, contract school from filing a petition for conversion with the LEA.

SECTION 9. Tennessee Code Annotated, Section 49-13-106(b)(2)(B), is amended by deleting the words “without penalty” at the end of the second sentence, and by adding the following sentence at the end of the subdivision.

An LEA's decision whether to convert an eligible public school may not be appealed to the state board of education.

SECTION 10. Tennessee Code Annotated, Section 49-13-107, is amended by deleting the language “November 15” and substituting instead the language “July 1”, by designating the existing language as subsection (a), and by adding the following language as new subsection (b):

(b) Upon approval of its application and at its discretion, the newly-approved charter school may elect to defer opening by one (1) school year if it determines the additional time is needed for planning, implementation, and/or organization.

SECTION 11. Tennessee Code Annotated, Section 49-13-108, is amended by deleting the language “local board of education” wherever such language appears and by substituting instead the language “chartering authority”.

SECTION 12. Tennessee Code Annotated, Section 49-13-108(1), is further amended by deleting the language “sixty (60) days” and by substituting instead the

language "seventy-five (75) days" and by deleting the language "sixty (60) day time limit" and by substituting instead the language "seventy-five (75) day time limit".

SECTION 13. Tennessee Code Annotated, Section 49-13-108(2), is amended by deleting the first sentence and by substituting instead the following:

The chartering authority shall review charter school applications in a manner consistent with review and scoring guidelines developed by the Tennessee department of education.

SECTION 14. Tennessee Code Annotated, Section 49-13-108(2), is further amended by deleting the word "The" at the beginning of the second sentence and by substituting instead the language "Within fifteen (15) days of denial, the".

SECTION 15. Tennessee Code Annotated, Section 49-13-108(3), is amended by deleting the last sentence of the subsection in its entirety.

SECTION 16. Tennessee Code Annotated, Section 49-13-109, is amended by deleting the second sentence of the section in its entirety.

SECTION 17. Tennessee Code Annotated, Section 49-13-111(a), is amended by adding the following as a new, appropriately designated subdivision:

() Prepare and distribute to parents at the beginning of the school year, a student handbook which includes, but is not limited to, names and contact information for the school's governing board members; meeting dates, times, and locations of the governing board meetings; the schools' discipline procedures; and the school's grievance procedures.

SECTION 18. Tennessee Code Annotated, Section 49-13-111, is amended by adding the following as new, appropriately designated subsections:

() A public charter school shall be solely responsible for its financial obligations. Financial obligations of a charter school shall not constitute debt or financial obligations of the chartering authority unless the chartering authority expressly assumes such obligations in writing.

() A public charter school shall be responsible for its own operation including, but not limited to, budget preparation and amendment, contracting for services, curriculum preparation, amendment, and implementation, and personnel matters.

SECTION 19. Tennessee Code Annotated, Section 49-13-113(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) Subject to the requirements of subsections (a) and (b) preference shall be afforded to the siblings of a pupil who is already enrolled in the school.

Preference also may be afforded to the children of a teacher, sponsor or member of the governing body of the charter school, not to exceed ten percent (10%) of total enrollment or twenty-five (25) students, whichever is less.

SECTION 20. Tennessee Code Annotated, Section 49-13-121(b), is amended by deleting the language "November 15" and by substituting instead the language "July 1".

SECTION 21. Tennessee Code Annotated, Section 49-13-124, is amended by deleting the last sentence of the section in its entirety and by substituting instead the following:

A public charter school may conduct activities necessary and appropriate to carry out its responsibilities such as:

- (1) Contract for services, except for the management or operation of the charter school by a for-profit entity;
- (2) Apply for qualified zone academy bonds pursuant to state and federal law;
- (3) Buy, sell or lease property;
- (4) Borrow funds as needed; and
- (5) Pledge its assets as security; provided, however, that those assets are not leased or loaned by the state or local government.

SECTION 22. Tennessee Code Annotated, Title 49, Chapter 13, Part 1, is amended by adding the following language as new sections to be designated as follows:

§ 49-13-128. The department of education is encouraged to develop guidelines for the ongoing training of public charter school principals. The training guidelines, if promulgated, shall address the issues of budget and finance oversight, legal issues, and leadership training. The LEAs shall utilize the department's guidelines in providing professional development programs and opportunities, and shall provide charter school principals access to the district's professional development programs.

§ 49-13-129. A public charter school may contract with and enter into a collaborative agreement with the LEA to which it applied under § 49-13-107 to operate a pre-kindergarten program established under the provisions of title 49, chapter 6, part 1.

SECTION 23. Sections 6 and 10 of this act shall take effect January 1, 2006, the public welfare requiring it. All remaining sections of this act shall take effect upon becoming law, the public welfare requiring it.